

REMARKS/ARGUMENTS

Claims 1 and 353-371 are pending in the application.

The Nonstatutory Double Patenting Rejection of Claims 1 and 353-371

Claims 1 and 353-371 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent Nos. 6,387,924 and 5,994,391.

In the interest of expediting prosecution, Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) over U.S. Patent Nos. 6,387,924 and 5,994,391. Applicants also submit herewith an Associate Power of Attorney listing the undersigned as an attorney of record. Also, since the statutory period for response expires on January 29, 2004, Applicants submit herewith a Notice of Appeal to ensure the pendency of this application after January 29, 2004.

Reconsideration and withdrawal of this rejection are therefore respectfully requested.

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U.S. Patent Application Serial No. 10/068,297

Attorney Docket No. 161765.00467
(3091/04/US/DIV)

CONCLUSION

Accordingly, in view of the above remarks and the Terminal Disclaimer filed herewith, all pending claims of this application are believed to be in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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Attachments:

Terminal Disclaimer under 37 C.F.R. § 1.321(c)
Associate Power of Attorney
Notice of Appeal